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Seeking Appointment as Attorney for Defendant
SEAN MURRAY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 97-74 GEB
)	
Plaintiff,)	AMENDED REQUEST FOR APPOINTMENT OF
)	COUNSEL and FOR SCHEDULING ORDER;
v.)	[lodged] ORDER
)	
SEAN MURRAY,)	<u>RETROACTIVE CRACK COCAINE</u>
)	<u>REDUCTION CASE</u>
Defendant.)	
)	
_____)	Judge: Hon. GARLAND E. BURRELL

Pursuant to the request of Defendant, SEAN MURRAY, filed February 25, 2008, the Court is hereby requested to appoint the Office of the Federal Defender and Assistant Federal Defender David M. Porter as counsel to represent Mr. Murray with respect to his motions to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2). Mr. Porter is familiar with the case and is willing to accept the appointment.

Appointment of counsel would serve the interests of justice in this case because it might facilitate a negotiated disposition of the motion and because the motion might raise novel legal issues surrounding application of the United States Sentencing Commission's recent retroactive reduction of sentences under the crack cocaine guidelines. Because Mr. Murray's substantial rights may be affected by

1 these criminal proceedings, he is constitutionally entitled to
2 appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134 (1967).

3 Mr. Murray also hereby requests the Court issue the order lodged
4 herewith setting a briefing schedule in conjunction with the filing of
5 an amended motion to reduce sentence pursuant to 18 U.S.C.
6 § 3582(c)(2).

7 Dated: April 15, 2008

8 Respectfully submitted,

9 DANIEL J. BRODERICK
10 Federal Defender

11 /s/ David M. Porter
12 DAVID M. PORTER
Assistant Federal Defender

13 Seeking Appointment as Attorney for Movant
14 SEAN MURRAY

15 **O R D E R**

16 Pursuant to defendant's request, and good cause appearing
17 therefor, the Office of the Federal Defender and Assistant Federal
18 David M. Porter is hereby appointed to represent defendant with respect
19 to his motion to reduce sentence.

20 Also, for the reasons set forth above, and good cause appearing
21 therefor, the Court sets the following schedule:

22 Amended Motion: Due May 2, 2008

23 Government Response: Due May 16, 2008

24 Reply: Due May 30, 2008

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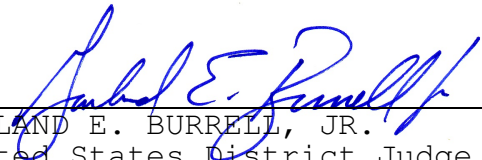
REQUEST TO APPOINT COUNSEL and for SCHEDULING ORDER

Hearing:

June 6, 2008

IT IS SO ORDERED.

Dated: April 16, 2008



GARLAND E. BURRELL, JR.
United States District Judge